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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/785,630

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Alex Magary

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

POINVIL, FRANTZY

ART UNIT

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MAIL DATE

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05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/785,630	Applicant(s) MAGARY ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12 February 2008.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 17-50, 59-74 and 83-118 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 17-50, 59-74, and 83-118 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/12/2008 have been fully considered but they are not persuasive.
2. The Examiner's response is incorporated in the rejection found below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-50, 59-74 and 83-108 and 114-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al. (US Patent No. 6,128,630).

As per claims 17-26, and 31-43, 45-50, 59-67, 69, 71-74, 83-92 and 95-118, Dent et al disclose a system and method for customers to obtain and paying bills online via the Internet. In so doing, Dent et al disclose the steps of:

Receiving financial transaction data for a plurality of distinct financial transactions. It should be noted that most financial transactions and type of financial transactions where a receipt is kept or donated to the customer or purchaser include a unique identifier identifying a particular

financial transaction so as to differentiate that particular transaction from other financial transactions and also so as to better store and retrieve individual financial transactions.

Furthermore, it should be noted that a bank's monthly statement includes a plurality of individual financial transactions having unique identifiers. Thus, these financial transactions include unique identifiers and purchasers names and/or codes and or addresses associated with each given transaction. Thus, the determining function is obvious to note with an instant glance or when referred to the database or storage which stores these financial transactions. Dent et al also teach various transactions at a particular merchant and also teach merchants and client information related to purchases from various different merchants. Merchant and client data are unique identifiers. See figures 4 and 5 of Dent et al.

Dent et al also teach suppressing transmission of a paper based version of the consented respective financial data, sending an E-mail message directly to an E-mail address of the associated client which may be for incorporation into a financial software program (applicant is referred to column 6, lines 13-39). The client system and the server system communicate with one another over a secure connection via the Internet. The system inherently performs comparison of logins, passwords and reconciliation of stored information with inputted information because there exists a client/server relationship.

Applicant's representative has amended the independent claims to recite that "each of the financial transaction relating to an investment in a security or mutual fund" and argued that such is not present in the system and method of Dent et al.

In response, the Dent et al is directed to a system and method for providing a bill electronically to a client. The system receives a plurality of bills from a plurality of billers for one of more clients. After receiving of the bills from the billers, the system sends a notification to the one or more clients indicating that their bills are ready for viewing or payment. See the abstract. In the system of Dent et al the transaction data are bills such as utility bills. Providing transaction data such as investment in a security or mutual fund would have been obvious to one of ordinary skill in the art since the system of Dent et al includes the means and structures to connect to or receive transaction data from any billers or remote computer systems or entities and the provision of one type of transaction data would not teach away or deviate from the teachings, system and method of Dent et al.

Applicant's representative then states:

Nowhere does Dent et al disclose or suggest that any of these electronic notification techniques include determining whether a client has consented to receiving financial transaction data electronically. Rather, the system of Dent appears to presume that the user has consented to electronic notification, and so no determination regarding the user's consent is performed. Dent certainly says nothing at all regarding performing any determination as a function of a unique identifier for each of a plurality of distinct financial transactions.

In response, it is noted that in the system of Dent et al, the notification is not the actual bill that is sent to a the client. Particularly, Dent et al state that:

The notification manager 52 can be implemented in several ways to give notice. One technique is to pop-up a notification dialog box on the display 38 when a bill arrives to inform the consumer of the bill's arrival.

FIG. 3 shows an example of a notification dialog box 66 that is presented on a display 38 when the bill arrives. The notification box 66 contains a message telling the consumer that a bill has arrived. The notification screen 66 can be configured to pop-up immediately, for example, when the consumer is actively viewing or interacting with the consumer interface unit, or to pop-up when the consumer first turns on the consumer interface unit.

Another notification technique is to wake-up the consumer interface unit. Some computers are now, and many future computers will be, implemented with sophisticated hardware that enables them to wake-up from a dormant power-saving or sleep. In such systems, the notification module can be configured to wake-up the computer when a bill is received, store the bill, and provide notice to the consumer that the bill has arrived (such as via the notification box 66 of FIG. 3).

Thus, when the customer receives the notification, the customer may desire to view the bills electronically or via paper (faxed document or via mail). The Examiner asserts that while the Internet has been in existence for many years, there are a number or millions of people who reject to conduct online businesses or transactions because of the lack of computer knowledge or because of the fear of hackers. Thus, from this knowledge, it would have been obvious to one of ordinary skill in the art to make the transaction data available to a client as desired. Thus, providing a consent to obtain bills electronically or via paper would have been obvious to one of ordinary skill in the art to do in the system of Dent et al with the motivation of making the system accessible to a plurality types of clients, thus making the system versatile and attractive to many potential clients.

The financial transaction of Dent et al is not specifically stated to be related to an investment in a security or mutual fund. As per the type of transaction, the Examiner asserts that the type of transaction here does not affect the functioning of the system of Dent et al as such is merely a type of data and that data is data as the type of data here is merely a presentation of the data as such does not bring patentable differences from the system of Dent et al.

Furthermore, it is noted that if the financial data relates to the buying/selling of securities, as noted in the applicant's specification, particularly page 3, lines 13-16, it is stated that "the SEC has developed a set of compliance regulations specifically for electronic delivery of financial information and requires that a user consent to having such information either delivered electronically or maintained electronically where a user can access it, e.g., through the Internet".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute or also include data regarding an investment in a security or mutual fund in order to provide a variety types of data in the system of Dent et al thus making the system versatile and attractive to a different types of clients.

As per claims 28-30, 68 and 94, Dent et al teach sending a consent change request and confirming the consent change request as being authorized.

Dent et al teach allowing a user to periodically obtain information at will. Thus a user may also be willing to change the period to receive the information or the destination or the address or a person has to receive a receipt of related financial transactions. See column 6, lines 39-53 of Dent et al.

As per claims 27, 44, 70, 93, Dent et al do not explicitly state maintaining a record of each sent E-mail message that does not successfully reach its intended E-mail destination. However, Dent et al. teach sending E-mail to client terminals. Also, most E-mail systems have an automatic features of identifying E-mails that are not read, open or reached a destination. Incorporating such a feature in the system of Dent et al would have been obvious to one of ordinary skill in the art in order to determine alternate means of communicating requested information to a requester. Also, if a recipient has failed to receive an E-mail message, sending a paper-based representation of the financial transaction data associated with each unsuccessfully sent E-mail message would have been obvious to one of ordinary skill in the art to do in the system of Dent et al. in order to assure that the requester does receive the requested information.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner
Art Unit 3692**

FP
April 9, 2008